

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FUNKE *et al.*

Appl. No.: 10/581,447

(U.S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/013198)

Int'l Filing Date: November 20, 2004

For: **Active Substance Combinations
Having Insecticidal and
Acaricidal Properties**Art Unit: *To be assigned*Examiner: *To be assigned*

Atty. Docket: 2400.0450000/VLC/BLS

**Information Disclosure Statement
Under 37 C.F.R. § 1.97(b)*****Mail Stop PCT***Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP39** and **NPL1** to **NPL13** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), a copy of the U.S. patent cited on the attached Form PTO/SB/08A, document **US1**, is not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP2**, **FP5** to **FP11**, and **FP13** to **FP37**, cited on Form PTO/SB/08A:

Document **FP1**, DT 26 41 343 A1, is in the German language. An English language abstract of document **FP1** is cited as document **NPL1** and submitted herewith.

Document **FP2**, EP 210 487 A1, is in the German language. An English language abstract of document **FP2** is cited as document **NPL2** and submitted herewith.

Document **FP5**, EP 355 599 A1, is in the German language. An English language abstract of document FP5 is cited as document **NPL3** and submitted herewith.

Document **FP6**, EP 0 377 893 A1, is in the German language. An English language abstract of document FP6 is cited as document **NPL4** and submitted herewith.

Document **FP7**, EP 0 415 211 A2, is in the German language. An English language abstract of document FP7 is cited as document **NPL5** and submitted herewith.

Document **FP8**, EP 0 442 073 A2, is in the German language. An English language abstract of document FP8 is cited as document **NPL6** and submitted herewith.

Document **FP9**, EP 0 442 077 A2, is in the German language. An English language abstract of document FP9 is cited as document **NPL7** and submitted herewith.

Document **FP10**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP10 is cited as document **NPL8** and submitted herewith.

Document **FP11**, EP 0 521 334 A1, is in the German language. An English language abstract of document FP11 is cited as document **NPL9** and submitted herewith.

Document **FP13**, WO 93/22297 A1, is in the Japanese language. An English language abstract of document FP13 can be found on the face page of the patent.

Document **FP14**, EP 0 596 298 A2, is in the German language. An English language abstract of document FP14 is cited as document **NPL10** and submitted herewith.

Document **FP15**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP15 is cited as document **NPL11** and submitted herewith.

Document **FP16**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP16 is cited as document **NPL12** and submitted herewith.

Document **FP17**, WO 95/01358 A1, is in the German language. An English language abstract of document FP17 can be found on the face page of the patent.

Document **FP18**, WO 95/20572 A1, is in the German language. An English language abstract of document FP18 can be found on the face page of the patent.

Document **FP19**, EP 0 668 267 A1, is in the German language. An English language abstract of document FP19 is cited as document **NPL13** and submitted herewith.

Document **FP20**, WO 95/26954 A1, is in the German language. An English language abstract of document FP20 can be found on the face page of the patent.

Document **FP21**, WO 96/25395 A1, is in the German language. An English language abstract of document FP21 can be found on the face page of the patent.

Document **FP22**, WO 96/35664 A1, is in the German language. An English language abstract of document FP22 can be found on the face page of the patent.

Document **FP23**, WO 97/01535 A1, is in the German language. An English language abstract of document FP23 can be found on the face page of the patent.

Document **FP24**, WO 97/02243 A1, is in the German language. An English language abstract of document FP24 can be found on the face page of the patent.

Document **FP25**, WO 97/36868 A2, is in the German language. An English language abstract of document FP25 can be found on the face page of the patent.

Document **FP26**, WO 97/43275 A2, is in the German language. An English language abstract of document FP26 can be found on the face page of the patent.

Document **FP27**, WO 98/05638 A2, is in the German language. An English language abstract of document FP27 can be found on the face page of the patent.

Document **FP28**, WO 98/06721 A1, is in the German language. An English language abstract of document FP28 can be found on the face page of the patent.

Document **FP29**, WO 98/25928 A1, is in the German language. An English language abstract of document FP29 can be found on the face page of the patent.

Document **FP30**, WO 99/16748 A1, is in the German language. An English language abstract of document FP30 can be found on the face page of the patent.

Document **FP31**, WO 99/24437 A1, is in the German language. An English language abstract of document FP31 can be found on the face page of the patent.

Document **FP32**, WO 99/43649 A1, is in the German language. An English language abstract of document FP32 can be found on the face page of the patent.

Document **FP33**, WO 99/48869 A1, is in the German language. An English language abstract of document FP33 can be found on the face page of the patent.

Document **FP34**, WO 99/55673 A1, is in the German language. An English language abstract of document FP34 can be found on the face page of the patent.

Document **FP35**, WO 01/23354 A2, is in the German language. An English language abstract of document FP35 can be found on the face page of the patent.

Document **FP36**, WO 01/74770 A1, is in the German language. An English language abstract of document FP36 can be found on the face page of the patent.

Document **FP37**, WO 02/087334 A1, is in the Japanese language. An English language abstract of document FP37 can be found on the face page of the patent.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication

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dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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Date: FEBRUARY 2, 2007

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Atty. Dkt. No. 2400.0450000/VLC/BLS

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ³ Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁵
	FP10	EP 0 456 063 A2	11/13/1991	Bayer AG	Abs
	FP11	EP 0 521 334 A1	01/07/1993	Bayer AG	Abs
	FP12	WO 93/10083 A1	05/27/1993	Uniroyal Chemical Company, Inc.; Uniroyal Chemical Ltd./Uniroyal Chemical Ltee	
	FP13	WO 93/22297 A1	11/11/1993	Yashima Chemical Industrial Co., Ltd.	Abs
	FP14	EP 0 596 298 A2	05/11/1994	Bayer AG	Abs
	FP15	EP 0 613 884 A2	09/07/1994	Bayer AG	Abs
	FP16	EP 0 613 885 A2	09/07/1994	Bayer AG	Abs
	FP17	WO 95/01358 A1	01/12/1995	Bayer Aktiengesellschaft	Abs
	FP18	WO 95/20572 A1	08/03/1995	Bayer Aktiengesellschaft	Abs

Examiner Signature	/Sriram Kasturi/	Date Considered	09/26/2008
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and to the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering the needed data, reviewing and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute for form 1449/PTO				Complete if Known Application Number 10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198) Filing Date June 1, 2006 First Named Inventor FUNKE, Christian Art Unit <i>To be assigned</i> Examiner Name <i>To be assigned</i> Attorney Docket Number 2400.0450000/VLC/BLS	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>					
Sheet	3	of	5		

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ² Number ³ Kind Code ⁴ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	T ⁵
	FP19	EP 0 668 267 A1	08/23/1995	Bayer AG	Abs
	FP20	WO 95/26954 A1	10/12/1995	Bayer Aktiengesellschaft	Abs
	FP21	WO 96/25395 A1	12/22/1996	Bayer Aktiengesellschaft	Abs
	FP22	WO 96/35664 A1	11/14/1996	Bayer Aktiengesellschaft	Abs
	FP23	WO 97/01535 A1	01/16/1997	Bayer Aktiengesellschaft	Abs
	FP24	WO 97/02243 A1	01/23/1997	Bayer Aktiengesellschaft	Abs
	FP25	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs
	FP26	WO 97/43275 A2	11/20/1997	Bayer Aktiengesellschaft	Abs
	FP27	WO 98/05638 A2	02/12/1998	Bayer Aktiengesellschaft	Abs

Examiner Signature	/Sriram Kasturi/	Date Considered	09/26/2008
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Substitute for form 1449/PTO				Complete if Known Application Number 10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198) Filing Date June 1, 2006 First Named Inventor FUNKE, Christian Art Unit <i>To be assigned</i> Examiner Name <i>To be assigned</i> Attorney Docket Number 2400.0450000/VLC/BLS	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>					
Sheet	4	of	5		

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	FP28	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft	Abs
	FP29	WO 98/25928 A1	06/18/1998	Bayer Aktiengesellschaft	Abs
	FP30	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft	Abs
	FP31	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft	Abs
	FP32	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft	Abs
	FP33	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft	Abs
	FP34	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft	Abs
	FP35	WO 01/23354 A2	04/05/2001	Bayer Aktiengesellschaft	Abs
	FP36	WO 01/74770 A1	10/11/2001	Bayer Aktiengesellschaft	Abs

Examiner Signature	/Sriram Kasturi/	Date Considered	09/26/2008
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	5	of	5
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Complete if Known

Application Number

10/581,447

(U.S. Nat'l Phase of Int'l Appl.
No. PCT/EP2004/013198)

Filing Date

June 1, 2006

First Named Inventor

FUNKE, Christian

Art Unit

To be assigned

Examiner Name _____

To be assigned

Attorney Docket Number

2400.0450000/VLC/BLS

U.S. PATENT DOCUMENTS

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/581,447 (U.S. Nat'l Phase of Int'l Appl. No. PCT/EP2004/013198)
				Filing Date	June 1, 2006
				First Named Inventor	FUNK, Christian
				Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	2	Attorney Docket Number	2400.045000/VLC/BL5

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Dialog File 351, Accession No. 1284894, Derwent WPI English language abstract for DE 26 41 343 A1 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL2	Dialog File 351, Accession No. 3940248, Derwent WPI English language abstract for EP 210 487 A1 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL3	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL4	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL5	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP7)	
	NPL6	Dialog File 351, Accession No. 5637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL7	Dialog File 351, Accession No. 5637204 Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP9)	
	NPL8	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP10)	
	NPL9	Dialog File 351, Accession No. 6600806, Derwent WPI English language abstract for EP 0 521 334 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL10	Dialog File 351, Accession No. 6975167, Derwent WPI English language abstract for EP 0 596 298 A2 (listed on accompanying PTO/SB/08A as document FP14)	

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